IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Criminal Revision No. 83 of 2007

Date of decision 27.6.2007

Sanjeev Kumar and others **…Petitioners.**

Versus

State of H.P. **… Respondent.**

Coram

The Hon'ble Mr. Justice : Surjit Singh, Judge.

Whether approved for reporting? No

For the petitioners : Mr. Vinay Thakur, Advocate.

For the respondent : Mr. Ashok Chaudhary, Addl. A.G.

Surjit Singh, Judge (Oral)

Heard. Notice. Mr. Ashok chaudhary, learned Additional Advocate General, appears and waives service of notice on behalf of the respondent – State.

2. The revision petitioners had been granted anticipatory bail by this Court vide orders dated 7.3.2007 and 21.3.2007 in a case in which they are co-accused. The orders of this Court granting anticipatory bail to them were not for any specific period.

3. Now the challan has been filed. When the revision petitioners appeared before the trial Magistrate on being summoned under Section 204

Whether reporters of the local papers may be allowed to see the judgment?

of the Code of Criminal Procedure, they were called upon to move fresh application for grant of regular bail. The trial Court has observed that the applications for regular bail are required to be made in view of the law laid down by the Hon'ble Supreme Court in **Nirmal Jeet Kaur vs. State of M.P. and another**, [(2004) 7 SCC 558].

4. The ruling relied upon by the learned trial Magistrate is not applicable to the facts of the present case, because in the case before the Hon'ble Supreme Court anticipatory bail had been granted for a limited period and it was because of this fact that it was held that the application for regular bail is required to be submitted before the expiry of the limited period mentioned in the order of anticipatory bail, in case the concerned person wanted to remain on bail after the expiry of the period mentioned in the order of anticipatory bail.

5. In view of the above stated position, the impugned order dated 20.6.2007 of the learned Judicial Magistrate directing the revision petitioners to seek regular bail, is set aside. The anticipatory bail having been granted to the revision petitioners by this Court for indefinite period, they, at the most, can be directed by the learned Judicial Magistrate to furnish fresh bonds to his satisfaction for their appearance in the Court during trial. Revision petition stands disposed of.

Dasti copy, as prayed for, on usual terms

June 27, 2007 (BC) **(Surjit Singh), J.**